

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

REMARKS/ARGUMENTS

Claims 1-20 are pending in this application. By this Amendment, the Abstract, specification, and claims 1-20 are amended. The Abstract and specification are amended for clarification purposes. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

The Office Action objects to the Abstract and specification due to informalities. The substitute Abstract, as well as the amendment to page 12 of the specification, filed herewith are responsive to the Examiner's comments. Accordingly, it is respectfully requested that the objection(s) to the Abstract and specification be withdrawn.

The Office Action rejects claim 16 under 35 U.S.C. §102(b) as being anticipated by Okamoto, U.S. Patent No. 5,489,103. The rejection is respectfully traversed.

Independent claim 16 recites extracting a game list comprising game related information from a transport stream that includes image and audio information, a listing of game programs, and game related information, downloading a game program desired by the user according to the game related information and storing the game program in a game memory portion of a receiving device, and executing the game when desired by a user. Okamoto neither discloses nor suggests such features.

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

Okamoto discloses an interactive communication system for video game and karaoke software which uses a host facility 100 connected to a personal communicator 1 through transmission paths 200. The personal communicator 1 includes a terminal modem 3 connected to the transmission paths 200, a timer 4, a CPU 5, an input device 6, ROM 7, and memory 8. The host facility 100 has a game database 101, a karaoke database 103, and other database 105 which are connected to a headend 130 through transmitters 111, 113, and 115, respectively. When a request is sent from the personal communicator 1, it is received through the head end 130, the appropriate transmitter (111, 113, or 115) retrieves the necessary data from the appropriate database (101, 103, or 105), and the data is sent out via the headend 130 to the personal communicator 1.

In order to gain access to a particular database, a user selects "call host facility" from a main menu of the personal communicator 1, then selects a category, such as "game" from a list of available categories, and an operation list 303 such as that shown in Figure 4 is displayed to the user. The user may then enter a known game number into box 305 of item A and receive the desired game data. Alternately, the user may choose to display the list of game numbers available from the game database 101 by selecting item B, which then displays the menu shown in Figure 5. From this menu, the user may enter a game number in box 315 of item X and receive the desired game data, or may first request additional information about an available game by entering the appropriate game number in box 317 of item Y. Once a game is selected,

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

the game data is sent to and received by the personal communicator 1, where it is stored in a temporary storage device or memory 8 for a predetermined amount of time (see column 2, lines 54-57). The game data is automatically deleted from the memory 8 when that predetermined amount of time has elapsed (see column 2, lines 60-67 and column 6, lines 44-61).

Okamoto teaches requesting and transmitting game data from a specific game database 101, rather than extracting a game list and game related information from a transport stream which may also include, for example, broadcast image and audio information. Further, Okamoto teaches that game data is automatically deleted after a predetermined amount of elapsed time. In contrast, the claimed invention of independent claim 16 stores game data in a game memory portion of the receiving device for execution by a user at a later time, if desired.

Accordingly, it is respectfully submitted that independent claim 16 is not anticipated by Okamoto, and thus the rejection of independent claim 16 under 35 U.S.C. §102(b) over Okamoto should be withdrawn.

The Office Action rejects claims 2-4 and 14 under 35 U.S.C. §102(e) as being anticipated by Reed et al., U.S. Patent No. 5,944,608 (hereinafter "Reed"). The rejection is respectfully traversed.

Independent claim 2 recites, *inter alia*, a transmitting unit configured to channel-code a transport stream, and to modulate, amplify, and transmit the transport stream to a receiving unit when requested by a user. Reed neither discloses nor suggests such features.

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

Reed discloses in Figure 2, and column 12, line 64 through column 15, line 27, a transmitter apparatus 78 for a computer software delivery system. The transmitter apparatus 78 includes a microprocessor 68 which formats game information and sends data in a parallel form to a serial communication device 62. An "A" channel of serial controller 62 sends data in serial format to a transmitter 58 of a cable transmitter section. An optional "B" channel of the serial controller 62 may be connected to an external modem. A Bus control section 74 provides bus signals for selection I/O devices or ROM and RAM, and a clock/timer 64 provides a time value to be transmitted with the data, and resets the system when necessary.

A RAM 68 holds data before transmission onto a cable and after it is removed from static storage 72. Static storage 72 is in the form of a hard disk drive, and is used to store video game computer information. All data that is transmitted over the cable channel resides on this disk in a specific sequenced format, and can be transmitted as stored upon the command of the microprocessor 68.

Reed's transmitter apparatus 78 simply codes and transmits game data across a cable line, and does not disclose or suggest that the transport stream is also amplified and modulated on the transmitting end. Thus, Reed neither discloses nor suggests the claimed transmitting unit.

Accordingly, it is respectfully submitted that independent claim 2 is not anticipated by Reed, and thus the rejection of independent claim 2 under 35 U.S.C. §102(e) over Reed should

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

be withdrawn. Dependent claims 3-4 are allowable at least for the reasons discussed above with respect to independent claim 2, from which they depend, as well as for their added features.

Independent claim 14 recites, *inter alia*, amplifying, modulating, and transmitting the transport stream over a certain channel. Reed neither discloses nor suggests such features. As discussed above, Reed neither discloses nor suggests that the transmitter apparatus 78 amplifies or modulates the game data prior to data transmission.

Accordingly, it is respectfully submitted that independent claim 14 is not anticipated by Reed, and thus the rejection of independent claim 14 under 35 U.S.C. §102(e) over Reed should be withdrawn.

The Office Action rejects claim 15 under 35 U.S.C. §103(a) as being unpatentable over Reed. The rejection is respectfully traversed.

Dependent claim 15 is allowable over Reed at least for the reasons discussed above with respect to independent claim 14, from which it depends, as well as for its added features. Accordingly, it is respectfully requested that the rejection of claim 15 under 35 U.S.C. §103(a) be withdrawn.

The Office Action rejects claims 17 and 19 under 35 U.S.C. §103(a) as being unpatentable over Okamoto. The rejection is respectfully traversed.

Dependent claims 17 and 19 are allowable over Okamoto at least for the reasons discussed above with respect to independent claim 16, from which they depend, as well as for

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

their added features. Accordingly, it is respectfully requested that the rejection of claims 17 and 19 under 35 U.S.C. §103(a) over Okamoto be withdrawn.

The Office Action rejects claim 18 under 35 U.S.C. §103(a) as being unpatentable over Okamoto in view of Hawkins et al., U.S. Patent No. 6,005,561 (hereinafter "Hawkins"). The rejection is respectfully traversed.

Dependent claim 18 is allowable over Okamoto at least for the reasons discussed above with respect to independent claim 16, from which it depends, as well as for its added features. Further, Hawkins fails to overcome the deficiencies of Okamoto, as Hawkins is merely cited to teach the use of a packet identifier. Accordingly, it is respectfully submitted that claim 18 is also allowable over the applied combination, and thus the rejection of claim 18 under 35 U.S.C. §103(a) over Okamoto in view of Hawkins should be withdrawn.

The Office Action rejects claim 20 under 35 U.S.C. §103(a) as being unpatentable over "EE 4984 Telecommunication Networks Project 1, Sega Channel" by Lazzuri (hereinafter "Lazzuri") in view of Hawkins. The rejection is respectfully traversed.

Independent claim 20 recites, *inter alia*, a game memory configured to store the downloaded game program for access by a user when desired, and a CPU configured to execute the stored game program in response to a user request. Lazzuri neither discloses nor suggests such features.

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

Lazzuri discloses a Sega Channel service, which provides Sega Genesis video games to the homes of its subscribers. The Sega Channel uses a cable system interface to allow a user to select a game from a list, download the selected game to a Sega Genesis machine, and play as long as the unit is turned on. However, the downloaded game only remains available as long as the Sega Genesis machine is turned on. If the machine is turned off, or power is interrupted for any reason, a user would have to repeat the selection and downloading process to play that game once again, and would not have the opportunity to resume play where he/she left off, as no data is stored once the connection is broken. Thus, Lazzuri neither discloses nor suggests the claimed game memory, which allows a user to access the game program when desired. Further, Hawking is merely cited to teach encoding the data to provide greater security in transmission, and thus fails to overcome the deficiencies of Lazzuri.

Accordingly, it is respectfully submitted that independent claim 20 is allowable over the applied combination, and thus the rejection of independent claim 20 under 35 U.S.C. §103(a) over Lazzuri in view of Hawkins should be withdrawn.

The Office Action rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over Reed in view of Okamoto, and further in view of Okano et al., U.S. Patent No. 6,320,868 (hereinafter "Okano"). The rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, a common game interface module configured to demodulate a selected game program and game-related information, to error correct the

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

demodulated information, to download the game program and store the game program in a game memory portion of the common game interface unit for access by a user when desired, and to process the game-related information.

As acknowledged by the Examiner in the remarks made with respect to independent claim 1 in the Office Action, Reed neither discloses nor suggests these features. Further, as discussed above, Okamoto fails to overcome the deficiencies of Reed. More specifically, Okamoto teaches that game data is automatically deleted after a predetermined amount of elapsed time, and thus would not be stored in game memory for access by a user when desired. Still further, Okano fails to overcome the deficiencies of Reed and Okamoto, as Okano is merely cited to teach error correction on the transmitted signal.

Accordingly, it is respectfully submitted that independent claim 1 is allowable over the applied combination, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over Reed, Okamoto, and Okano should be withdrawn.

The Office Action rejects claim 5 under 35 U.S.C. §103(a) as being unpatentable over Okamoto in view of Okano. The rejection is respectfully traversed.

Independent claim 5 recites, *inter alia*, a common game interface module configured to demodulate a selected game program and game-related information, to error correct, download, and process the demodulated game program and game related information, and to store the game program for access by a user when desired. As set forth above, Okamoto neither discloses

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

nor suggests such features. Further, Okano is merely cited to teach error correction, and thus fails to overcome the deficiencies of Okamoto.

Accordingly, it is respectfully submitted that independent claim 5 is allowable over the applied combination, and thus the rejection of independent claim 5 under 35 U.S.C. §103(a) over Okamoto in view of Okano should be withdrawn.

The Office Action rejects claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Okamoto in view of Okano, and further in view of Lazzuri. The rejection is respectfully traversed.

Dependent claims 6-8 are allowable over Okamoto and Okano at least for the reasons discussed above with respect to independent claim 5, from which they ultimately depend, as well as for their added features. Further, Lazzuri fails to overcome the deficiencies of Okamoto and Okano, as Lazzuri is merely cited to teach the use of a downloader to download and store games. Although Lazzuri discloses a means by which games are downloaded and stored, that storage is temporary, and, as discussed above, a user's access to the game is only active while the Sega Genesis machine is on.

Accordingly, it is respectfully submitted that claims 6-8 are also allowable over the applied combination, and thus the rejection of claims 6-8 under 35 U.S.C. §103(a) over Okamoto, Okano, and Lazzuri should be withdrawn.

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

The Office Action rejects claims 9-13 under 35 U.S.C. §1039a) as being unpatentable over Dureau, U.S. Patent No. 6,513,160, in view of Okano, and further in view of Lazzuri. The rejection is respectfully traversed.

Independent claim 9 recites, *inter alia*, a common game interface module configured to receive the first control signal and to demodulate a broadcast signal of a channel selected by the user, a game program, and game-related information, wherein the common game interface module is also configured to error correct, download, store, and process the demodulated game-related information so as to allow a user to view the selected channel or to execute the selected game. Dureau neither discloses nor suggests such features.

Dureau discloses a means for inserting interactive content into television programs in order to promote participation and increase viewership in a given television program in order to promote the various products and services advertised by program sponsors. A genie associated with a particular channel or program is displayed on a portion of the television screen, and reacts to actions taken by the user, and prompts the user to provide responses periodically. The user can alter the appearance of his genie, and can directly affect the "health" of his genie by tuning in regularly and interacting with the genie. In this manner, the broadcaster uses the genie to attract and retain viewers, promote desired behaviors in its viewers, and monitor interest levels in particular programming and associated advertising.

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

To accomplish this, Dureau teaches a remote station 11 which transmits a signal to a broadcast station 12, which then transmits a signal to a receiving station 13. A program source 14 within the remote station 11 generates a television program, which is converted into a signal by a modulator 15 and transmitted to the broadcast station 12. The signal, which is converted by a demodulator 16, and the interactive application, which is provided by an application source 18, are combined by a processing unit 17 for transmission to the receiving station 13.

The receiving station 13 includes a set-top box 20 and a television 21. The set-top box demodulates the signal received from the broadcast station 12, and separates the application from the television program. The set-top box 20 combines audio and video portions of the television program and executes the application to generate a modified television program signal to the television 21.

More specifically, as taught by Dureau in Figure 3, the transmission signal is received by a signal processing unit 30 of the set-top box 20, where it is broken down into separate audio, video, and application components. The audio and video portions are sent, respectively, to audio and video decompression units 31 and 32, respectively, for reconstruction, and the application portion is received by the control system 34, where content and execution data are stored in ROM 35 and RAM 36.

The reconstructed audio component is sent to an interactive audio unit 61, which combines the audio generated by the interactive application with the broadcast audio. Likewise,

Serial No. 09/709,574
Arndt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

the reconstructed video component is sent to an interactive graphics unit 62, which overlays the interactive graphics associated with the interactive application onto the broadcast video component. The combined audio and overlaid video components are then sent from units 61 and 62, respectively, to a display unit 39, which formats the audio and video signals to produce an output signal for the television 21.

The interactive television system disclosed by Dureau simply allows an interactive component associated with a particular television program to be overlaid onto the associated program, and not to download, store and execute a game which is independent of the television program. Thus, Dureau does not disclose or suggest the common game interface module recited in independent claim 9.

Accordingly, it is respectfully submitted that independent claim 9 is allowable over Dureau. Further, Okano fails to overcome the deficiencies of Dureau, as Okano is merely cited to teach error correction and downloading. Further, Lazzuri fails to overcome the deficiencies of Dureau and Okano, as Lazzuri is merely cited to teach a downloader.

Accordingly, it is respectfully submitted that independent claim 9 is also allowable over the applied combination, and thus the rejection of independent claim 9 under 35 U.S.C. §103(a) over Dureau in view of Okano and Lazzuri should be withdrawn. Dependent claims 10-13 are allowable at least for the reasons discussed above with respect to independent claim 9, from which they depend, as well as for their added features.

Serial No. 09/709,574
Amdt. dated February 13, 2004
Reply to Office Action of December 3, 2003

Docket No. P-142

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carol L. Druzbeck, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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